

Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 HA-05 IO-13 CIAE-00 DODE-00 INR-10
NSAE-00 PA-01 ICA-11 SP-02 L-03 NSC-05 /065 W
-----039437 250544Z /15
R 241723Z JUL 78
FM AMEMBASSY TEGUCIGALPA
TO SECSTATE WASHDC 993

C O N F I D E N T I A L TEGUCIGALPA 3468

EO 11652 GDS
TAGS: PINT, SHUM, HO
SUBJECT: ISLETAS PRISONERS ACQUITTED AGAIN: CASE GOES TO SUPREME
COURT

REF: TEGUCIGALPA A-32

1. THE COURT OF APPEALS REVIEWING THE LOWER COURT ACQUITAL
(ON CHARGES OF EMBEZZLEMENT) OF NINE FORMER LEADERS OF THE
ISLETAS ASSOCIATION, A BANANA GROWING COOPERATIVE, HAS ALSO
DETERMINED IN FAVOR OF ACQUITAL (REFAIR). HOWEVER, THE
PROSECUTION HAS ANNOUNCED IT INTENDS TO ATTEMPT THE "CASATION"
PROCEDURE, TAKING CASE TO THE SUPREME COURT.

2. COMMENT: CASATION IS SIMILAR TO AN APPEAL IN FINAL RESULTS,
BUT HAS DIFFERENT LEGAL BASIS. AS EMBASSY UNDERSTANDS PROCESS,
APPEAL IS MADE WHICH CONTESTS THE LAWS APPLIED, RATHER THAN
THE FINDINGS UNDER THE LAW. KNOWLEDGEABLE OBSERVERS BELIEVE
THERE IS LITTLE CHANCE THE SUPREME COURT WILL FIND IN FAVOR OF
THE PROSECUTION. MEANWHILE, THE NINE WILL REMAIN IN CUSTODY.
ONE NEWSPAPER REPORTED A COMMENT THAT THE PROSECUTION'S
INSISTENCE ON DRAGGING OUT THIS CASE WAS MOTIVATED BY
VINDICTIVENESS. ON THE OTHER HAND, THE SUPREME COURT
PRESIDENT CORRECTLY NOTED THAT ONCE THE ISSUE, WHETHER
POLITICAL OR NOT, HAD REACHED THE COURTS, JUDICIAL
PROCEDURES HAD TO BE FOLLOWED.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PRISONERS, COURT PROCEEDINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 24 jul 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978TEGUCI03468
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780304-0482
Format: TEL
From: TEGUCIGALPA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780726/aaaaavrc.tel
Line Count: 56
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 50d6676d-c288-dd11-92da-001cc4696bcc
Office: ACTION ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 TEGUCIGALPA A-32
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 22 jul 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1903285
Secure: OPEN
Status: NATIVE
Subject: ISLETAS PRISONERS ACQUITTED AGAIN: CASE GOES TO SUPREME COURT
TAGS: PINT, SHUM, HO
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/50d6676d-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014